

S.D.N.Y.-N.Y.C.
14-mc-88
Preska, C.J.

United States Court of Appeals
FOR THE
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 31st day of October, two thousand fourteen.

Present:

Robert A. Katzmann,
Chief Judge,
Peter W. Hall,
Susan L. Carney,
Circuit Judges.

Heleen Mees, application pursuant to 28 U.S.C. § 1782 for leave to issue subpoenas for deposition and documents for use in proceeding in the District Court of Amsterdam the Netherlands,

Applicant-Appellant,

v.

14-1866

Willem H. Buijter,

Respondent-Appellee.

Appellee moves to dismiss the appeal as moot. Upon due consideration, it is hereby ORDERED that Appellee's motion is DENIED. This Court has determined that Appellant retains "a legally cognizable interest in the outcome," *Jennifer Matthew Nursing & Rehab. Ctr. v. U.S. Dep't of Health & Human Servs.*, 607 F.3d 951, 956 (2d Cir. 2010), and that the requested relief is not barred by collateral estoppel, *see Semtek Int'l Inc. v. Lockheed Martin Corp.*, 531 U.S. 497, 505 (2001) (dismissal without prejudice generally not adjudication on the merits for preclusion purposes).

Additionally, Appellant's motion for permission to file a sur-reply is DENIED.

FOR THE COURT
Catherine O'Hagan Wolfe, Clerk


Catherine O'Hagan Wolfe